

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

LENARD SCOTT,

No. CIV.S-04-2418 DAD

Plaintiff,

v.

ORDER SETTING STATUS  
(PRETRIAL SCHEDULING)  
CONFERENCE

ROSE MARIA VIVIER,

Defendant.

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This action has been reassigned to United States Magistrate Judge Dale A. Drozd for all proceedings. See 28 U.S.C. § 636(c).

Pursuant to the provisions of Federal Rule of Civil Procedure 16, as amended, effective December 1, 1993, IT IS ORDERED:

1. A Status (Pretrial Scheduling) Conference is set for **July 15, 2005, at 11:00 a.m.**, in Courtroom No. 27, before Magistrate Judge Drozd.

2. Rule 4(m) of the Federal Rules of Civil Procedure provides that this action may be dismissed if service of process is not accomplished within 120 days from the date the complaint is

1 filed. In order to enable the court to comply with the 120-day time  
2 limits specified in Rules 4(m) and 16(b), the court **strongly**  
3 **encourages plaintiff to complete service of process on all defendants**  
4 **within sixty days of the date of filing of the complaint.**

5           3. Concurrently with service of process, or as soon  
6 thereafter as possible, plaintiff shall serve upon each of the  
7 parties named in the complaint, and UPON ALL PARTIES SUBSEQUENTLY  
8 JOINED, INCLUDING IMPLEADED THIRD-PARTY DEFENDANTS, a copy of this  
9 order, and shall file with the Clerk of the Court a certificate  
10 reflecting such service.

11           4. If this action was originally filed in a state court  
12 and thereafter removed to this court, the removing party or parties  
13 shall, immediately following removal, serve a copy of this order upon  
14 each of the other parties and upon all parties subsequently joined,  
15 and shall file with the Clerk a certificate reflecting such service.

16           5. All parties shall appear at the Status Conference by  
17 counsel, or in person if acting without counsel. Parties may appear  
18 at the conference telephonically. To arrange telephonic appearance,  
19 parties shall contact Pete Buzo, the courtroom deputy of the  
20 undersigned magistrate judge, at (916) 930-4128.

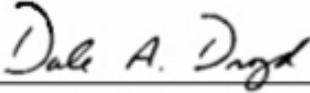
21           6. The parties shall submit to the court, no later than  
22 seven days before the Status (Pretrial Scheduling) Conference, a  
23 status report addressing the following matters:

- 24           a. Progress of service of process;  
25           b. Possible joinder of additional parties;

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- 1       c. Any expected or desired amendment of  
2                   the pleadings;
- 3       d. Jurisdiction and venue;
- 4       e. Anticipated motions and the scheduling  
5                   thereof;
- 6       f. Anticipated discovery and the  
7                   scheduling thereof, including  
8                   disclosure of expert witnesses and  
9                   whether any order affecting discovery  
10                  under Federal Rules of Civil Procedure  
11                  26 and 29-37 is desired;
- 12      g. Future proceedings, including setting  
13                  appropriate cut-off dates for discovery  
14                  and law and motion, and the scheduling  
15                  of a final pretrial conference and  
16                  trial;
- 17      h. Modification of standard pretrial  
18                  procedures specified by the rules due  
19                  to the relative simplicity or  
20                  complexity of the action;
- 21      i. Whether the case is related to any  
22                  other case, including matters in  
23                  bankruptcy;
- 24      j. Whether the parties will stipulate to  
25                  the magistrate judge assigned to this  
26                  matter acting as settlement judge,  
                waiving any disqualifications by virtue  
                of his so acting, or whether they  
                prefer to have a Settlement Conference  
                before another judge; and
- 27      k. Any other matters that may add to the  
28                  just and expeditious disposition of  
29                  this action.

DATED: June 17, 2005.

  
DALE A. DUGAY  
UNITED STATES MAGISTRATE JUDGE

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